

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>LINDA WILLIAMSON 1992 EXEMPT TRUST,</p> <p>v.</p> <p>Respondent:</p> <p>BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS.</p>	<p>Docket No.: 46536</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 3, 2007, Diane M. DeVries and Sondra W. Mercier presiding. Petitioners, Linda and Neal Bouchet, appeared pro se. Respondent was represented by Michael A. Koertje, Esq. Petitioner is requesting an abatement/refund of taxes on the subject property for tax year 2005.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**196 North Cedar Brook Road, Boulder, Colorado
(Boulder County Schedule No. R0508690)**

The subject property consists of 1.02 acres (44,626 square feet) of vacant land.

Prior to 2005, the subject (lot 224) and the contiguous, adjacent, residentially developed lot (identified as lot 225) were combined under the same ownership; therefore, both were classified as residential for property tax purposes. A Warranty Deed, recorded on December 2, 2004, transferring ownership of lot 225 effectively split the two sites. As of January 1, 2005, the subject was reclassified as vacant land based on its status and use as undeveloped land.

Petitioner contends that the subject is incorrectly valued and incorrectly classified as vacant land rather than as residential land. Petitioner is requesting a 2005 actual value of \$145,833.00 for the subject property along with a reclassification to residential.

Respondent presented a Summary Appraisal Report for the subject indicating a market value of \$270,000.00. This was based on an analysis of four comparable sales located in the Pine Brook Hills neighborhood, like the subject. Comparable sales indicated prices ranging from \$275,000.00 to \$380,000.00 prior to adjustment. Respondent adjusted the comparable sales for location within the neighborhood, site size, access, views, and water tap fees. Subsequent to adjustment, the sales indicated a range in market value for the subject of \$267,782.00 to \$302,306.00. The appraiser concluded to a value near the lower end of the indicated range, or \$270,000.00.

Respondent assigned an actual value of \$251,200.00 to the subject property for tax year 2005.

Prior to the sale of adjacent lot 225, the subject was correctly classified as residential land under Colorado Revised Statutes ("CRS") section 39-5-104 which states:

Each tract or parcel of land and each town or city lot shall be separately appraised and valued, except when two or more adjoining tracts, parcels, or lots are owned by the same person, in which case the same may be appraised and valued either separately or collectively. When a single structure, used for a single purpose, is located on more than one town or city lot, the entire land area shall be appraised and valued as a single property.

Colo. Rev. Stat. § 39-5-104 (2006).

Subsequent to the sale of adjacent lot 225, the subject was correctly classified as vacant land. CRS defines "vacant land" as "any lot, parcel, site, or tract of land upon which no buildings or fixtures, other than minor structures, are located." § 39-1-103(14)(c)(I). As of 2005, the subject could not be classified as residential vacant land based on CRS which defines "[r]esidential land" as "a parcel or contiguous parcels of land under common ownership upon which residential improvements are located and that is used as a unit in conjunction with the residential improvements located thereon." § 39-1-102(14.4). Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly classified as vacant land for tax year 2005.

Petitioner provided no indication of value and no evidence that the subject was incorrectly valued. The Board finds that the value indicated by the Respondent was correctly supported with comparable sales data. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2005.

ORDER:

The petition is denied.

APPEAL:

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

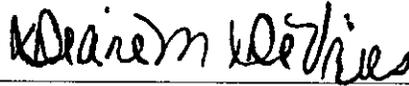
In addition, if the decision of the Board is against the Respondent, the Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law when the Respondent alleges procedural errors or errors of law by the Board of Assessment Appeals.

If the Board recommends that this decision is a matter of statewide concern, or if it results in a significant decrease in the total valuation of the county, Respondent may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

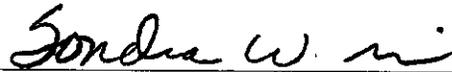
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation for assessment of the county in which the property is located, the Respondent may petition the Court of Appeals for judicial review of such questions with 45 days from the date of this decision.

DATED and MAILED this 21st day of July 2007.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries



Sondra W. Mercier

This decision was put on the record

JUL 20 2007

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.


Heather Heinlein